

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #3	CCRB Case #: 201808106	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/23/2018 10:57 PM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 3/23/2020	EO SOL 11/7/2020	
Date/Time CV Reported Mon, 09/24/2018 12:58 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/01/2018 11:14 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Desimone	06317	958495	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ricardo Lewis	02411	936948	PSA 2
2. POM Ibrahim Adam	20396	958214	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Desimone	Force: PO Christopher Desimone used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Christophe Desimone	Off. Language: PO Christopher Desimone made remarks to § 87(2)(b) [REDACTED] based upon race.	[REDACTED]
C.POM Christophe Desimone	Abuse: PO Christopher Desimone threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]

Case Summary

On September 24, 2018, § 87(2)(b) filed this complaint over the phone with the Internal Affairs Bureau. It was referred to the CCRB and received on October 1, 2018, under log number 18-37644.

On September 23, 2018, at approximately 10:57 p.m., § 87(2)(b) was standing outside of the building where his mother lives, § 87(2)(b), in Brooklyn. He was approached by PO Ibrahim Adam and PO Christopher Desimone, of PSA2, who arrested him for smoking a marijuana cigarette. During arrest, PO Desimone allegedly shoved § 87(2)(b) against a fence, and dragged him across the sidewalk while in handcuffs (**Allegation A – Force:**

§ 87(2)(g) The officers, who were assigned to foot patrol, called for a vehicle to come pick § 87(2)(b) up and bring him to the stationhouse for arrest processing, and a vehicle arrived with two unidentified officers. PO Desimone placed § 87(2)(b) into the back seat and got inside with him, while PO Adam stayed at the scene of the arrest, and they drove to the PSA2 stationhouse. During the transport, PO Desimone allegedly said to § 87(2)(b) “You niggers are always making stuff a big deal. I should kill you.” (**Allegations B and C – Offensive Language and Abuse of Authority:** § 87(2)(g)

There is no video footage of this incident.

Findings and Recommendations

Allegation (A) Force: PO Christopher Desimone used physical force against § 87(2)(b)

Allegation (B) Offensive Language: PO Christopher Desimone made remarks to § 87(2)(b) based upon race.

Allegation (C) Abuse of Authority: PO Christopher Desimone threatened § 87(2)(b) with the use of force.

§ 87(2)(b) (Board Review 01) stated that he was standing outside of § 87(2)(b) looking at something on his phone. He denied that he was smoking marijuana. PO Adam and PO Desimone approached him and ordered him to stop, and then started asking him where the marijuana was. Shortly after that, PO Desimone grabbed § 87(2)(b) by the wrists and started to handcuff him. PO Adam walked over to a grassy area nearby and started looking around on the ground with his flashlight. PO Desimone shoved § 87(2)(b) against a fence nearby and handcuffed him. A short time later, a marked police vehicle arrived at the scene, and PO Desimone dragged § 87(2)(b) over to it, and pushed him into the back seat. PO Adam got into the front seat of the car, and PO Desimone got into the back seat with § 87(2)(b). As they drove away, PO Desimone said, “You niggers are always making stuff a big deal. I should kill you.”

§ 87(2)(b) was taken to § 87(2)(b) Hospital after complaining to the officers about pain in his wrists caused by the handcuffs. He was treated at the emergency room, where he was diagnosed with unspecified wrist pain and released (Board Review 02).

PO Desimone (Board Review 03) and PO Adam (Board Review 04) § 87(2)(g) They both stated that they approached § 87(2)(b) and, when they were ten to twenty feet away, observed § 87(2)(b) smoking a marijuana cigarette. § 87(2)(b) threw the cigarette away when he noticed the officers, and they were unable to recover it later. Both stated that the only force that was used was pulling § 87(2)(b)'s arms behind his back for handcuffing, as he was refusing to place them behind his back himself. Both officers later filled out TRI reports corroborating these statements, and saying that § 87(2)(b) later was taken to the

hospital after complaining about pain from his handcuffs (Board Review 12). Both officers described that PO Adam did not come to the stationhouse with them; two officers arrived in a marked car, and PO Desimone put § 87(2)(b) into the back seat, got into the back seat with them, and the three officers rode with him to the stationhouse. PO Desimone denied threatening § 87(2)(b) or calling him “nigger.” PO Adam denied hearing these statements and stated that he was not present in the vehicle with PO Desimone and § 87(2)(b).

Neither officer could recall who the officers were who helped transport § 87(2)(b) but their memo books note that SGT Lewis verified the arrest (Board Review 05). The event related to the incident only shows communications from PO Desimone and PO Adam as well as the patrol supervisor, SGT Lewis (Board Review 06). SGT Lewis (Board Review 07) was interviewed, and he stated that he did not go to the scene of the arrest, and only assisted the officers after they arrived at the stationhouse. He did not know who helped transport § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one previous CCRB complaint and has been named a victim in seven allegations (Board Review 08):
 - § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)
- PO Desimone has been a member of service for three years and has been the subject of thirteen other allegations of misconduct in six other cases, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City. The charges related to this incident were adjourned in contemplation of dismissal (Board Review 10).
- § 87(2)(b) filed a Notice of Claim alleging that he was arrested without probable cause, pushed, and tightly handcuffed. He alleges that he suffered from pain and suffering, emotional distress, and loss of liberty, and is asking for \$1,000,000 in restitution (Board Review 11).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date